



CRL MP(MD) No.12745 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

CRL MP(MD) No.12745 of 2024

in

CRL RC(MD) No.1227 of 2024

1 J.K.JEWELLERS PARTNERSHIP FIRM,
REP BY M.JEYARAMAN
S/O MUTHUSAMY,
NO.7/8 S.R COMPLEX,
OPPOSITE TO CENTRAL BANK,
MEENAKSHI AMMAN KOIL STREET,
MADURAI 625 001

2 M.JEYARAMAN

3 J.HARIVASAGAN

... Appellant / Accused

Vs

N.GANESAN

... Respondent / Respondent / Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the learned V Additional District Sessions Judge, Madurai in Criminal appeal no. 38/2024 dt. 04.10.2024 in STC no. 678/2022 on the file of the Judicial Magistrate No.2 (FTCII) Madurai dt. 18.01.2024 and enlarge the petitioners on bail pending disposal of the criminal revision.



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Prayer in CRL RC(MD). 1227/ 2024 :

To call for the records pertaining to the order of conviction passed by the learned V Additional District court, Madurai in Crl A No. 38/2024 dt. 04.10.2024 by confirming the order passed in STC no. 678/2022 on the file of the learned Judicial Magistrate No.II (FTC), Madurai dated 18.01.2024 and set aside the same by allowing this revision petition.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.T.BALARATHINAKUMAR, Advocate for the petitioners, while admitting the criminal revision case, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the learned V Additional District and Sessions Judge, Madurai in Criminal Appeal No.38 of 2024, dated 04.10.2024, by confirming the order passed in S.T.C.No.678 of 2022 on the file of the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai, dated 18.01.2024 and enlarge the petitioners on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioners submitted that the petitioners have been convicted by the trial Court on 18.01.2024 for the offence under Section 138 of Negotiable Instrument Act, and the first petitioner/Accused No.1 sentenced him to pay a sum of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand Only) as compensation to the respondent and the petitioners 2 and 3/Accused Nos.2 and 3 sentenced them to undergo simple imprisonment for a period of one year in S.T.C.No.678 of 2022 on the file of the learned Judicial



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Magistrate No.2, Fast Track Court (Magisterial Level), Madurai.

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3. The learned V Additional District and Sessions Judge, Madurai, confirmed the conviction and sentence, and dismissed the Criminal Appeal No.38 of 2024, dated 04.10.2024. Challenging the same, the present Criminal Revision case has been filed before this Court along with this Criminal Miscellaneous Petition seeking suspension of sentence.

4. The learned counsel for the petitioners submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners are ready to deposit 20% of the cheque amount i.e., a sum of Rs.80,000/- (Rupees Eighty Thousand Only) to show their bonafide.

5. This Court has carefully considered the submission made by the learned counsel for the petitioners, and has also perused the materials available on record.

6. The learned counsel for the petitioners pointed out that there are certain infirmities and inconsistencies in this case and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and considering the bonafide expressed by the petitioners, this Court is of the considered view that the petitioners



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herein are entitled to the relief of grant of suspension of sentence.

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7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioners shall deposit 20% of the cheque amount i.e., a sum of Rs.80,000/- (Rupees Eighty Thousand only) to the credit of S.T.C.No.678 of 2022 on the file of the the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai on or before 07.01.2025, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioners in the manner known to law;

(ii) On such deposit, the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a



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copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioners shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate No.2, Fast Track Court (Magisterial Level), Madurai shall re-deposit the said sum in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C(MD)No.1227 of 2024.

8. List the matter on 08.01.2025 under the caption “for reporting compliance”.

sd/-
26/11/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD

To

1.The V Additional District and Sessions Judge,
Madurai.



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2.The Judicial Magistrate No.II,
Fast Track Court (Magisterial Level),
Madurai.

3.Do through the Chief Judicial Magistrate,
Madurai District.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.12745 of 2024
in
CRL RC(MD) No.1227 of 2024
Date :26/11/2024

ED/ VR /SAR- (05/12/2024) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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